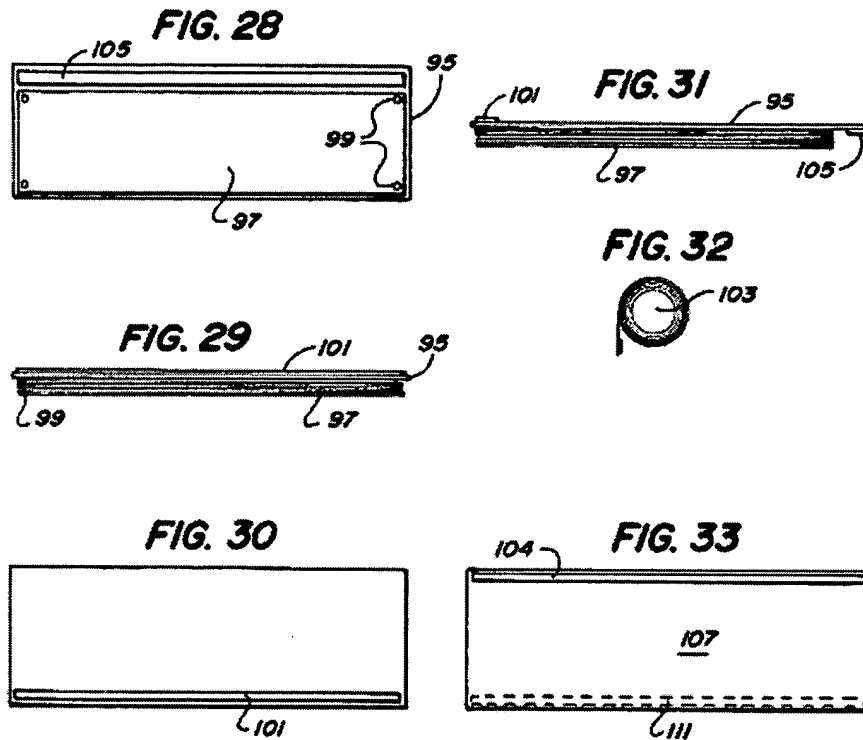


REMARKS

The Examiner has rejected Claims 2-8 and 13-19 under 35 USC § 102(b) as being anticipated by Duer (5,820,142). The Examiner has further rejected Claims 9-12 and 20-23 under 35 USC § 103(a) as being unpatentable over Duer (5,820,142) and further in view of Kirkman (6,361,079). In the spirit of expedited prosecution, applicant has cancelled Claims 24 and 25, and amended independent Claims 2 and 13 to include the subject matter of Claims 7, 9 and 18, 20, respectively. Moreover, Claim 1 now includes limitations similar to those of independent Claims 2 and 13.

The Examiner has stated that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the shopping cart grip sanitary cover system of Duer with the labels for detecting counterfeit products comprising a non-adhesive covering as taught by Kirkman in order to protect the adhesive layer before the sanitary cover covering the cart. Applicant respectfully disagrees with such assertion. To simply glean such a non-adhesive covering feature from the art of detecting counterfeit products and combine the same with concepts from the non-analogous art of shopping cart grip sanitary covers would simply be improper. More importantly, the prior art cited by the Examiner simply fails to meet the subject matter of applicant's claims, particularly as amended above.

In particular, the Examiner relies on Figures 1, 28-32 and 58 of Duer to show in the prior art applicant's claimed invention. Note the most pertinent Figures 28-32 below along with an excerpt from Duer describing such figures.



"FIG. 28 is a bottom view of a particularly desirable portable embodiment of the invention in which the inside or bottom surface of the sanitary covering 95 is provided with its own disposable secondary sanitary covering 97 which, after being used on the handle of a hand-propelled cart, can be removed from the sanitary covering and thrown away with whatever contamination such covering may have accumulated while on the cart handle. FIG. 29 is a side view of the sanitary covering 95 including a series of layers of secondary sanitary coverings 97. As shown in FIG. 28, the coverings 97 are lightly tacked to the sanitary covering 95 using glue impregnations 99 at the corners of the coverings. FIG. 30 is a top view of the sanitary covering 95 depicted in FIGS. 28 and 29 showing an upper adhesive or Velcro-type strip 101. When the sanitary covering 95, shown from the end in FIG. 34, is wrapped about a handle 103, as shown in FIG. 32, the upper adhesive strip 101 allows the secondary sanitary coverings 97, comprised of thin paper tissue or the like, to be completely wrapped about the handle while remaining free to contact another adhesive strip 105 to hold the sanitary covering in place. When the sanitary covering 95 is then removed from the handle 103, the top secondary sanitary covering can be stripped from the bottom and disposed of. The sanitary covering 95 can then be carried in a pocket, a purse, a shopping bag, or the like without risk of contamination."

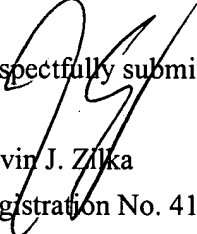
(col. 12, lines 31-56)

Applicant respectfully disagrees with the Examiner's assertion, especially in view of the amendments made hereinabove. In particular, the Examiner states that the "multiple layers stacked with a bottommost layer attachable to a grip of a cart" are met by layers 97 of Duer. Applicant emphasizes, however, that Duer merely discloses a "sanitary covering 95" with "an upper adhesive or Velcro-type strip 101" and an "adhesive strip 105" to work in conjunction with the strip 101 "to hold the sanitary covering in place." Applicant emphasizes that such strips 101, 105 are components of the "sanitary covering 95," and not the secondary sanitary covering layers 97. In fact, such secondary sanitary covering layers 97 are merely "lightly tacked to the sanitary covering 95 using glue impregnations 99 at the corners of the coverings." The purpose of such construction is to allow "the top secondary sanitary covering [to] be stripped from the bottom and disposed of," "[w]hen the sanitary covering 95 is ... removed from the handle 103." Thus, when a single user removes the "sanitary covering 95," it is not contaminated by the shopping cart handle.

In stark contrast, ~~applicant teaches and claims a system~~where the multiple layers remaining permanently attached to the shopping cart for use by multiple different users, whereby topmost layers are removed by such different users to provide a sanitary gripping surface. To accommodate this unique system, applicant teaches and claims "the bottom face of each layer having adhesive formed thereon" in combination with "the layers being stacked with a bottommost layer being attachable to a grip of a cart via the adhesive." Thus, the bottommost one of the multiple layers (not a surrounding sanitary covering 95) is attached to the shopping cart handle via adhesive. Simply nowhere in the prior art is there such a multiple-layer sanitary cover which remains attached to the grip of the cart" for use by "multiple users," as claimed in combination with the remaining limitations.

Note that additional limitations have been added to Claims 1 (see also new Claim 26), which have support in the last paragraph of page 9 of the originally filed specification.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. PET1P005).


Respectfully submitted,

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APPENDIX A6

1. (Amended) A shopping cart grip sanitary cover system, comprising:
 - a shopping cart including a basket portion having a bottom and a plurality of sides coupled thereto and extending upwardly therefrom for defining an interior space for storing articles therein, a plurality of wheels coupled to the bottom of the shopping cart for transporting the shopping cart, and a handle assembly including a pair of substantially vertical posts with inboard ends coupled to the sides of the shopping cart and extending upwardly and rearwardly therefrom, a substantially horizontal handle coupled to outboard ends of the posts, wherein the handle includes a grip for being handled by a user to maneuver the shopping cart;
 - a plurality of sanitary covers each including multiple flexible elastomeric layers of a similar size and shape and each having a rectangular configuration with a smooth top face, a smooth bottom face, and a rectangular periphery formed therebetween, the bottom face of each layer having adhesive formed thereon for adhering to a top face of an adjacent layer, the layers being stacked with a bottommost layer having a non-adhesive covering on the bottom face thereof for protecting the adhesive of the bottommost layer; and
 - a dispensing container with a substantially rectangular configuration including a bottom face, a top face, and a plurality of side faces formed therebetween for defining an interior space for storing the sanitary covers, the top face of the dispensing container including an opening for dispensing the sanitary covers therefrom;
- whereby the sanitary covers are each dispensable from the dispensing container and the non-adhesive covering is removable for attachment of the adhesive of the bottommost layer to the grip of the shopping cart, a topmost layer of each sanitary cover being removable utilizing a non-adhesive member coupled to an edge thereof for exposing another layer therebeneath for providing a sanitary surface for being gripped by the user;

where multiple users are capable of using the sanitary cover which remains attached to the grip of the cart.

2. (Amended) A cart grip sanitary cover, comprising:

a sanitary cover including multiple layers of a substantially similar size and shape each with a top face, a bottom face, and a periphery formed therebetween, the bottom face of each layer having adhesive formed thereon for adhering to a top face of an adjacent layer, the layers being stacked with a bottommost layer being attachable to a grip of a cart via the adhesive;

wherein a topmost layer of the sanitary cover is removable for exposing another layer therebeneath for providing a sanitary surface for being gripped by a user, where multiple users are capable of using the sanitary cover which remains attached to the grip of the cart;

wherein a non-adhesive covering is removed from the bottom face of the bottommost layer of the sanitary cover, the non-adhesive covering being removable for attachment of the adhesive of the bottommost layer of the sanitary cover to the grip of the cart.

3. The cart grip sanitary cover as recited in claim 2, wherein the layers are each flexible.
4. The cart grip sanitary cover as recited in claim 2, wherein the layers are each formed of an elastomeric material.
5. The cart grip sanitary cover as recited in claim 2, wherein the layers each have a rectangular configuration.
6. The cart grip sanitary cover as recited in claim 2, wherein the layers each have an area substantially similar to an area of the grip of the cart.
7. (Cancelled) The cart grip sanitary cover as recited in claim 2, wherein the layers each have a substantially similar shape and size.

8. The cart grip sanitary cover as recited in claim 2, wherein the layers are stacked so that the peripheries thereof are in alignment.
9. (Cancelled) The cart grip sanitary cover as recited in claim 2, and further comprising a non-adhesive covering positioned on the bottom face of the bottommost layer of the sanitary cover for protecting the adhesive of the bottommost layer, the non-adhesive covering being removable for attachment of the adhesive of the bottommost layer of the sanitary cover to the grip of the cart.
10. (Amended) The cart grip sanitary cover as recited in claim [9]2, and further comprising a dispensing container for storing a plurality of the sanitary covers.
11. The cart grip sanitary cover as recited in claim 10, wherein the dispensing container includes an opening for dispensing the sanitary covers therefrom.
12. The cart grip sanitary cover as recited in claim 10, wherein the cart includes a shopping cart.
13. (Amended) A method of providing a sanitary surface on a grip of a cart, comprising:
 - attaching a sanitary cover to a grip of a cart, the sanitary cover including multiple layers of a substantially similar size and shape each with a top face, a bottom face, and a periphery formed therebetween, the bottom face of each layer having adhesive formed thereon for adhering to a top face of an adjacent layer, the layers being stacked with a bottommost layer being attachable to the grip of the cart via the adhesive; and
 - removing a topmost layer of the sanitary cover for exposing another layer therebeneath for providing a sanitary surface for being gripped by a user, where multiple users are capable of using the sanitary cover which remains attached to the grip of the cart;

wherein a non-adhesive covering is removed from the bottom face of the bottommost layer of the sanitary cover, the non-adhesive covering being removable for attachment of the adhesive of the bottommost layer of the sanitary cover to the grip of the cart.

14. The method as recited in claim 13, wherein the layers are each flexible.
15. The method as recited in claim 13, wherein the layers are each formed of an elastomeric material.
16. The method as recited in claim 13, wherein the layers each have a rectangular configuration.
17. The method as recited in claim 13, wherein the layers each have an area substantially similar to an area of the grip of the cart.
18. (Cancelled) The method as recited in claim 13, wherein the layers each have a substantially similar shape and size.
19. The method as recited in claim 13, wherein the layers are stacked so that the peripheries thereof are in alignment.
20. (Cancelled) The method as recited in claim 13, and further comprising removing a non-adhesive covering on the bottom face of the bottommost layer of the sanitary cover, the non-adhesive covering being removable for attachment of the adhesive of the bottommost layer of the sanitary cover to the grip of the cart.
21. (Amended) The method as recited in claim [20]13, and further comprising removing the sanitary cover from a dispensing container.
22. The method as recited in claim 21, wherein the dispensing container includes an opening for dispensing the sanitary covers therefrom.

23. The method as recited in claim 13, wherein the cart includes a shopping cart.
24. (Cancelled) A cart grip sanitary cover, comprising:
a sanitary cover with a top face, a bottom face, and a periphery formed therebetween, the bottom face of the sanitary cover having adhesive formed thereon; and
a non-adhesive covering positioned on the bottom face of the sanitary cover for protecting the adhesive, the non-adhesive covering being removable for attachment of the adhesive of the sanitary cover to a grip of a cart;
wherein the sanitary cover has an area substantially similar to an area of the grip of the cart.
25. (Cancelled) A method of providing a sanitary surface on a grip of a cart, comprising:
attaching a sanitary cover to a grip of a cart, the sanitary cover including a top face, a bottom face, and a periphery formed therebetween, the bottom face of the sanitary cover having adhesive formed thereon, the sanitary cover including a non-adhesive covering positioned on the bottom face of the sanitary cover for protecting the adhesive; and
removing the non-adhesive covering for attachment of the adhesive of the sanitary cover to a grip of a cart.
26. (New) The cart grip sanitary cover as recited in claim 2, wherein the multiple layers include non-adhesive members coupled thereto for being gripped by a user to facilitate the removal of the topmost layer of the sanitary cover.